

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN DEBBY BARRETT**, on January 14, 2003 at 8 A.M., in Room 455 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Debby Barrett, Chairman (R)  
Rep. Dee Brown, Vice Chairman (R)  
Rep. Larry Jent, Vice Chairman (D)  
Rep. Norman Ballantyne (D)  
Rep. Arlene Becker (D)  
Rep. Sue Dickenson (D)  
Rep. Carol Gibson (D)  
Rep. Daniel S. Hurwitz (R)  
Rep. Hal Jacobson (D)  
Rep. Larry Lehman (R)  
Rep. Ralph Lenhart (D)  
Rep. Alan Olson (R)  
Rep. Bernie Olson (R)  
Rep. Don Roberts (R)  
Rep. Clarice Schrumpf (R)  
Rep. Frank Smith (D)  
Rep. Pat Wagman (R)  
Rep. Jonathan Windy Boy (D)  
Rep. Cindy Younkin (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Joan Reiman, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed. Time counters are given before the testimony.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 87, 12/30/2002;  
HB 155, 1/6/2003  
Executive Action: HB 35 DO PASS

**HEARING ON HB 87**

**Sponsor:** REP. LARRY JENT, HD 29

**Opening Statement by Sponsor:**

***{Tape: 1; Side: A; Approx. Time Counter: 0 - 14.9}***

**REP. JENT** stated he drafted this bill by request of the State Administration and Veterans' Affairs Interim Committee.

**REP. JENT** said an Interim Committee worked on voting systems and got consensus for HB 87 and HB 155. HB 87 would replace punchcard voting in Montana and HB 155 is a general voting reform bill. "It will provide equal protection for your vote." In addition, the punchcard system is becoming obsolete and supplies for it are harder to get. He quoted from the recent federal Help America Vote Act, which will provide money to states. **REP. JENT** said that all states need to establish an election fund immediately, called a special revenue account. The minimum payment to states under the Help America Vote Act is \$5 million, when they become certified. A key point is to replace punch cards by 2004; punch cards destroy faith in the election process and they want to keep the integrity of the process, he testified.

**Proponents' Testimony:**

***{Tape: 1; Side: A; Approx. Time Counter: 15 - 24.4}***

**Ms. Janice Doggett, Chief Legal Counsel, Secretary of State's Office,** testified that Sheri Heffelfinger staffed the Interim Committee and did a great job. The money to change from the punchcard system has been authorized but not appropriated for these voting changes. It will cost \$250,000 to replace the punchcard system in this state. It will affect 11% of the electorate. Glacier County has already replaced it, and their money will come retroactively. She said this bill should correct the "Gore vs. Bush type problems."

**Mr. Robert Throssel, Montana Clerk & Records' Association (MCRA)** stated there is one problem - no guarantee of funding. The counties need the money up front, he said. There is no way of knowing if they will get they money, and they have an added expense. He said he wants to extend the deadline to 2005 to give the counties more time.

**Ms. Rita Blouke, President of the Helena chapter, League of Women Voters,** testified in support of the bill. She acknowledged the hardship on the counties to replace the punchcard systems.

**Mr. Harold Blattes, Assistant Director, Montan Association of Counties (MACo)**, stated that counties cannot levy new taxes to cover this expense.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

***{Tape: 1; Side: A; Approx. Time Counter: 24.4 - 32}***

**REP. PAT WAGMAN** asked about moving the deadline date from 2003 to 2005. **The sponsor** said that he wants to check with the Secretary of State to see if they can qualify for the federal waiver.

**REP. WAGMAN** then asked if the six counties could use a written ballot to bridge the gap until they know the money would be there. **Mr. Throssel** cautioned that Flathead County is large so that it is a lot of paper.

**REP. DON ROBERTS** asked who will keep up the voting machines. **Mr. Throssel** said that the counties, through their budgets, would be responsible.

**REP. CAROL GIBSON** asked if it was five or six counties to be converted. **Mr. Throssel** said it is five, as Glacier has already done it.

**REP. ARLENE BECKER** asked for a review of the status of funding of the Act. **REP. JENT** said that as of December 2002 the federal government has 13 Appropriations bills, but only two have passed. Congress is running on supplementals. "There will be money, but we don't know when." He deferred to the Secretary of State's staff. **Jason Thielman, Deputy Secretary of State**, said **REP. JENT** spoke correctly. "There are two pots of money: the \$5 million in nondedicated money and the \$15 million for punchcard buyout, which is more difficult to come by."

**Closing by Sponsor:**

**REP. JENT** said the public perception of accuracy in elections is important. He suggested that if concerned about money, the committee members should wait until transmittal or else take executive action but they should not let the bill go to the House floor.

**HEARING ON HB 155**

**Sponsor:** REP. LARRY JENT, HD 29

**Opening Statement by Sponsor:**

***{Tape: 1; Side: A; Approx. Time Counter: 32 - 60}***

**REP. JENT** stated he drafted this bill by request of the State Administration and Veterans' Affairs Interim Committee. **REP. JENT** said this bill does three things: cleans up existing law, reacts to the Gore vs. Bush election problems, and starts change with an eye on future technology. It standardizes current practices to prevent what happened in Florida, he said, and the Secretary of State's office works on "the nitty gritty" of how the ARM should be amended.

**REP. JENT** touched on some of the proposed changes. School administrators will be in on the training, the word voting "machines" will be replaced with voting "systems," write-in candidates must declare intent for their ballots to count, the word "printed" ballot will be replaced with "prepared" ballot, he explained. The bill also allows for nonpaper ballots, and it will be mandatory to replace spoiled ballots. Absentee votes can be only by paper ballot and if an absentee voter is in the hospital, they can vote absentee up to and including election day. The county counting board would be mandatory and must be sequestered. The Secretary of State will have the choice of what system to use. The bill also sets a benchmark performance standard, and provides for resolving ballots in question, including mail ballots, he testified.

**Proponents' Testimony:**

***{Tape: 1; Side: B; Approx. Time Counter: 0 - 12.3}***

**Ms. Janice Dogget, Chief Legal Counsel, Secretary of State,** said the lesson learned from the Bush vs. Gore election is that we can't treat two individuals' votes differently. She said this is an equal protection issue. Florida had different standards within the same system. The punchcard has inherent problems. HB 155 will define what is a valid vote, and put that into Administrative Rules of Montana (ARM). Currently, ARM has overlapping and conflicting provisions that this will clear up. It is a tedious process, she testified.

**Mr. Robert Throssell, Montana Clerk & Records' Association,** expressed that HB 155 makes fundamental changes and works with the Secretary of State's office. He said the number of problem

ballots is a small percentage, but voters are entitled to have their vote counted if their intent can be determined. He said undercounts happen; some folks don't vote for either candidate. This bill can't address that, he said.

**Ms. Rita Blouke, President, Helena area League of Women Voters,** said the basis of good democratic government is that every citizen can vote and that standardization is a good thing.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

***{Tape: 1; Side: B; Approx. Time Counter: 12.3 - 16.4}***

**REP. DEE BROWN** asked how Sec. 19 of this bill will fit with REP. Galvin-Halcro's bill. **Ms. Doggett** said if the language in the two bills does not conflict, you can amend it.

**REP. BROWN** asked for clarification of Sec. 30. **Ms. Doggett** conveyed that a stub may or may not have writing on it.

**REP. BERNIE OLSON** asked about if P. 28, line 4-7, applied to counterfeit ballots. **Ms. Doggett** said it did.

**Closing by Sponsor:**

***{Tape: 1; Side: B; Approx. Time Counter: 16.4 - 16.6}***

**REP. JENT** closed, asking for support of this bill.

**EXECUTIVE ACTION ON HB 35**

***{Tape: 1; Side: B; Approx. Time Counter: 16.6 - 22.7}***

**CHAIRMAN BARRETT** stated that several amendments were proposed to HB 35, the bill to include National Guard veterans in public employment preference law, and a committee worked through them after yesterday's session.

**Motion:** **REP. JACOBSON** moved **HB 35 DO PASS.**

**Discussion:**

**REP. YOUNKIN** said she wanted to hear the amendments. **Ms. Heffelfinger, Legislative Staff**, explained that a motion must be made on an amendment before she could hand out or explain an amendment during executive action. **REP. BERNIE OLSON** favored the motion, as did **REP. PAT WAGMAN**. **REP. ALAN OLSON** said they could pass it without amendments. The Question was called for.

**Motion:** On a roll call vote, motion carried 14-5. Voting no were: **REP. BROWN, REP. BECKER, REP. DICKENSON, REP. GIBSON, and REP. LEHMAN.**

**ADJOURNMENT**

Adjournment: 9:45 A.M.

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REP. DEBBY BARRETT, Chairman

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JOAN REIMAN, Secretary

DB/JR

**EXHIBIT (sth07aad)**